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Re Berlin, DEPTEL 735 n/a. 3. 959

WD. 901068 6/21/91
HRM/SG

Following are Department's suggestions re problems to be explored with British and French representatives in your preliminary discussions re UN role in Berlin situation:

(1) In event direct negotiations cannot be arranged or collapse, we believe there would be certain definite advantages in Western initiative in bringing Berlin matter to SC. We recognize very strong pressures will develop for UN action and also recognize usefulness UN mobilizing world opinion. We also recognize certain disadvantages SC action, particularly risk UN involvement in substance German problem. However, assuming desirability or necessity resort to SC at some stage, we believe US in better position to resist unsatisfactory substantive proposals

and to attain positive benefits from SC action, if step can be taken prior to any Soviet action affecting status quo. Unless we move first, prospect is that others will bring matter to SC, or if circumstances appear desperate, may even seek

Drafted 3/9/59
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Telegraphic transmission and
classification approved by:

The Acting Secretary

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SP - Mr. Smith

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special GA session. In general, Department favorably impressed by arguments your 716 and 729 for SC initiative prior to Soviet transfer calling upon governments and authorities concerned not to take any unilateral action interfering with access to Berlin and renewing offer to negotiate. This line of action automatically identifies USSR as party responsible for any subsequent change in situation that could upset delicate balance of peace.

(2) Contingency paper proposes that if initial probe physically obstructed, three Powers will temporarily suspend surface traffic and seek to ~~maxim~~ mobilize opinion by variety means, in which case situation QUOTE could be taken UNQUOTE to SC and in event of Soviet veto, to special GA. While we believe action to be sought would at least include elements in para 1 above, which would mean in contingency context call for restoration of freedom of access and for resumption of negotiations, we recognize that if USSR takes negative attitude in SC, we may not be able press such proposal. We fully agree with your view that since under these circumstances change in status quo will already have occurred, we may be compelled consider other alternatives. We might be confronted with efforts to compromise basic principles in ~~way~~ that would tend obscure true issues and even equate Soviet and Western positions by seeking modus vivendi accepting Soviet transfer. If we go to SC, particularly at this late stage, we must be prepared deal with proposals on substance, as well as procedure. We must also take into account that our resort to SC in crisis might tend inhibit or delay western powers in taking direct action to assert rights or otherwise respond directly to unilateral Soviet action.

(3) We would be interested in having current British and French thinking re

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relative merits timing proposed by contingency paper and timing suggested your 716, as elaborated in para 1 above.

(4) In event Western Powers should at some stage decide accept Summit meeting, subject of course to conditions then prevailing, we would appreciate views UK and French whether we should make proposal similar to that of last summer for high level SC meeting or at least respond positively to proposals of this character made by others in SC. At this time, it is clearly premature to seek to reach any decisions this point since much will depend on evolution our discussions with USSR. We recognize SC framework has certain obvious drawbacks from Soviet standpoint and would be interested in having any comments from you as to steps that might be taken make SC framework more acceptable to USSR. In this connection we recall Soviet efforts last summer to bring Nehru into picture.

(5) In addition to foregoing, you should also explore desirability and feasibility special GA action in event SC impasse. It is clearly impossible now to reach any conclusions regarding special GA since immediate circumstances then prevailing will be determining. However, we believe important to consider now pros and cons re special GA in event SC stalemate. This would also involve consideration of means to avert special GA if judged not in our interest. Our estimate is that GA would be considerably more difficult to control than SC. To some extent we would wish to adjust our objectives in SC to our estimate desirability and feasibility, or reverse, of GA action. For example, your suggestion that under certain circumstances it might be desirable not to press proposal in SC to veto might provide one way of confining action to SC. Would appreciate your views and those of UK and French Missions this point.

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(6) It would be useful to have joint estimate of probable Soviet position and tactics in SC and best means of countering them. We must expect USSR to seek to define basic issues in terms most favorable to its own position, such as Soviet right relinquish occupation and Soviet right terminate state of war with Germany or Soviet initiative for summit meeting. We should be fully prepared meet such Soviet contentions in manner calculated win support of world opinion. This will require most careful study since certain Soviet arguments may have considerable superficial attractiveness.

(7) Department also suggests exploration advantages and disadvantages Western initiative (as opposed to initiative by others) in convening SC in above circumstances. Our ability maintain maximum control and exercise greatest influence can best be assured by our keeping initiative so we are not placed generally on defensive. However, Dept wishes you consider whether there may be advantage in leaving initiative elsewhere. For example, there seems possibility Western initiative to involve UN might be interpreted by USSR as indication Western weakness or hesitation assume risks of direct action to preserve rights. Under certain circumstances, this might inspire dangerous miscalculation.

(8) It would also be useful obtain current British and French thinking, plus further ideas of USUN, regarding any other problems you may foresee.

(9) Department wishes emphasize importance conducting above exploratory discussion in manner which will minimize outside speculation re UN role in Berlin situation.

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FYI French Ambassador informed Murphy today of receipt governmental instructions authorizing French participation in tripartite discussions New York this subject.

(10) Department will study carefully comments your 746.

*Herter Acting
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